

FILED

SEP 28 2015

IN THE HAMILTON CIRCUIT/SUPERIOR COURTS

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

CLERK OF THE
HAMILTON SUPERIOR COURT

CAUSE NO. 29002-1509

F28600

STATE OF INDIANA

INFORMATION FOR:

VS.

PEYTON KENNITH TONNING
280 MYERS LAKE DR
NOBLESVILLE, IN 46062

Count 1:
Burglary
I.C. 35-43-2-1 and I.C. 35-43-2-1(3)(A)
a Level 2 Felony

OLN: 5270-29-1645 Indiana
DOB: 6/21/1996
SSN: XXX-XX-6463

Count 2:
Armed Robbery
I.C. 35-42-5-1(1)
a Level 3 Felony

PHYSICAL DESCRIPTION

Race: W Sex: Male
Height: 5'07" Weight: 150
Eyes: Blue Hair: Blond or Strawberry

Count 3:
Pointing a Firearm
I.C. 35-47-4-3(b)
a Level 6 Felony

Count 4:
Pointing a Firearm
I.C. 35-47-4-3(b)
a Level 6 Felony

Count 5:
Theft
I.C. 35-43-4-2(a)
a Class A Misdemeanor

Count 6:
Illegal Consumption of an Alcoholic
Beverage
I.C. 7.1-5-7-7(a)(2)
a Class C Misdemeanor

BE IT REMEMBERED,

The fact that a defendant has been charged with a crime is merely an accusation, and the defendant is presumed innocent until and unless proven guilty. | www.hamiltoncounty.in.gov/477

That on this day comes Roger W. Kuba, who being duly sworn upon his oath, says that in the County of Hamilton, State of Indiana,

Count 1: on or about September 27, 2015 PEYTON KENNITH TONNING did break and enter the building of Joshua Foster, to-wit: attached garage; with the intent to commit theft therein, while armed with a deadly weapon, to-wit: a pistol

Count 2: on or about September 27, 2015 PEYTON KENNITH TONNING did knowingly take property, to-wit: a charger, from the presence of Joshua Foster and/or Leah Baldrige, by threatening the use of force, to-wit: pointing a gun; said act being committed while the defendant was armed with a deadly weapon, to-wit: a pistol

Count 3: on or about September 27, 2015 PEYTON KENNITH TONNING did knowingly point a firearm, to-wit: a pistol at Joshua Foster

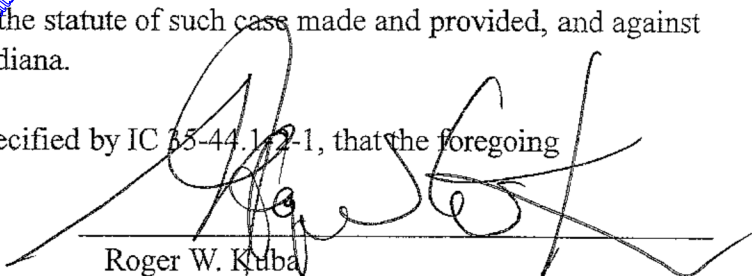
Count 4: on or about September 27, 2015 PEYTON KENNITH TONNING did knowingly point a firearm, to-wit: a pistol at Leah Baldrige

Count 5: on or about September 27, 2015 PEYTON KENNITH TONNING did knowingly exert unauthorized control over the property of Leah Baldrige, to-wit: a charger with the intent to deprive Leah Baldrige of any part of the use or value of the property

Count 6: on or about September 27, 2015 PEYTON KENNITH TONNING did knowingly consume an alcoholic beverage; said defendant being a minor

All of which is contrary to the form of the statute of such case made and provided, and against the peace and dignity of the State of Indiana.

I affirm, under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.


Roger W. Kuba

Approved by me this 28th day of September 2015.


Deputy Prosecuting Attorney

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IN THE HAMILTON SUPERIOR/CIRCUIT COURT

STATE OF INDIANA

STATE OF INDIANA

V.

CAUSE NO. _____

PEYTON KENNITH TONNING

AFFIDAVIT FOR PROBABLE CAUSE

Comes now Detective Robert Saxon, who hereby affirming under the pains and penalties for perjury deposes and says:

1. I am a Law Enforcement Officer with the Noblesville Police Department and have been so employed during all relevant times. I have been employed by the Noblesville Police Department as an officer since 1998. Prior to that, I was employed by the Beavercreek Police Department in Ohio since 1993 and a Law Enforcement Specialist (Security Police) in the United States Air Force since 1986.
2. I am filing this affidavit for probable cause in support of the charges of **Burglary (IC 35-43-2-1(3)(A))**, a **Level 2 Felony**, **Robbery (IC 35-42-5-1(1))**, a **Level 3 Felony**, **two counts of Pointing a Firearm (IC 35-47-4-3(b))**, a **Level 6 Felony**, **Theft (IC 35-43-4-2(A))**, a **Class A Misdemeanor**, **Illegal Consumption of Alcohol by Minor (IC 7.1-5-7-7(A)(2))**, a **Class C Misdemeanor**, against Peyton Kenneth Tanning, a white male, DOB: 6/21/1996, Indiana OLN # 5270-29-1645, height 5'7", weight 150, with blonde hair and blue eyes.
3. On 9/27/2015 at 12:55am the Hamilton County Dispatch Center received a 911 call from Leah Baldrige who was reporting a robbery at [REDACTED] in Noblesville. This is a single family home owned by Joshua Foster. Joshua Foster and Leah Baldrige had left the home to go for a walk through the neighborhood. Foster said as they were approaching the house upon their return he noticed the dome light was on inside his black Chevrolet Impala that was parked in the garage. Foster said he had left the overhead garage door open when they left for their walk. Foster said when he got to the garage he noticed the passenger door was open and there was an unidentified person in his vehicle. Foster said he told that person to get out of his vehicle. Foster said when the subject got out of his car the subject was holding a binocular case, which came from inside Foster's car, in one hand and a pistol in the other. Foster said the subject pointed the gun at him and Baldrige and said something like, "Get the fuck back!", so they stepped to the side so the subject could leave. Foster said the subject put the binocular case back in the car and fled the scene on foot. Foster said the subject quickly walked to the corner of Summit Rd and Pine Hill Dr then began running east. Foster said he chased after the subject on foot. Foster said the subject ran behind a van at 5473 Kelly Anne Way so he followed, but was a few seconds behind. Foster said the subject was standing on the other side of the van and had the gun pointed at him in very close proximity. Foster said he feared he was about to be shot so he swung at the subject's hand that was holding the gun and also kicked him in the groin. Foster said he struggled with the subject and he somehow came up with the gun himself. Foster said he feared the subject may have another gun and kill him with it so he fired two or three shots into the air. The subject then fled the scene going east on Kelly Anne Way. The subject was reported to have lost one of his shoes and a cell phone during the struggle with Foster. The subject was described as a white male wearing a black hooded sweatshirt and shorts.
4. On 9/27/2015 at 1:19am Sgt Chris Macy located the subject on Country Lake Blvd and took him into custody. The suspect was identified as Peyton Kenneth Tanning. Tanning was wearing a black hooded sweatshirt, black shorts and he was missing his right shoe.

The fact that a defendant has been charged with a crime does not prove the defendant is guilty. www.hamiltoncounty.in.gov/477

5. Leah Baldridge said her cell phone charger was taken from Foster's vehicle. Baldridge said she did not give permission for anyone to take her charger. That charger was not recovered. The charger's value is less than \$750.00.
6. On 9/27/2015 at the scene of the struggle in front of 5473 Kelly Anne Way a Taurus PT191 .45 caliber pistol, serial # [REDACTED], was found lying in the grass between the sidewalk and the street. There were two bullets found lying in the street. There were also three spent bullet casings found. One was in the street and two were in the grass between the sidewalk and the street. There was also a black and red right shoe and a cell phone found at the scene. The shoe appeared to be a match for the shoe Tonning had on his left foot.
7. On 9/27/2015 at 3:12am I began to interview Tonning. Detective Mike Sadler was present for the interview. Tonning was intoxicated and there was a strong odor of an alcoholic beverage on his breath. It was difficult to get Peyton to awaken and pay attention. I advised Tonning of his rights which he said he understood. All Tonning said was, "I was the only person who, uh, was guilty, so..." After that he said he wanted to speak to his attorney.
8. Peyton Kenneth Tonning did commit the offense of Burglary (IC 35-43-2-1(3)(A)), a Level 2 Felony, by breaking and entering a building or structure of another person, with the intent to commit a felony or theft in it, while armed with a deadly weapon. This occurred by Tonning entering the garage at [REDACTED] with the intent of committing theft from Joshua Foster's vehicle while being armed with a Taurus .45 caliber pistol.
9. Peyton Kenneth Tonning did commit Robbery (IC 35-42-3-1(1)), A Level 3 Felony, by knowingly or intentionally taking property from another person by using or threatening the use of force on any person while armed with a deadly weapon. This occurred when Tonning pointed the Taurus .45 caliber pistol at Joshua Foster and Leah Baldridge while committing the burglary at [REDACTED].
10. Peyton Kenneth Tonning did commit two counts of Pointing a Firearm (IC 35-47-4-3(b)), a Level 6 Felony, by knowingly or intentionally pointing a firearm at another person. This occurred when Tonning pointed the Taurus .45 caliber pistol at Joshua Foster and Leah Baldridge at [REDACTED] and when he pointed the pistol at Joshua Foster at 5473 Kelly Anne Way. The pistol was loaded.
11. Peyton Kenneth Tonning did commit Theft (IC 35-43-4-2(A)), a Class A Misdemeanor, by knowingly or intentionally exercising unauthorized control over property of another, with intent to deprive the other person of any part of its value or use. This occurred when Tonning took a phone charger from Foster's vehicle and the charger belonged to Leah Baldridge.
12. Peyton Kenneth Tonning did commit Illegal Consumption of Alcohol by Minor (IC 7.1-5-7-7(A)(2)), a Class C Misdemeanor, by knowingly consuming an alcoholic beverage. Tonning had a strong odor of an alcoholic beverage on his breath. A portable breath test was also administered by staff at the Hamilton County Jail and the result was .199.
13. All of the above events occurred in Hamilton County, Indiana.

I hereby swear that the foregoing representations are true to the best of my knowledge and belief.

Dated this 28th day of September, 2015.



Robert Saxon, Detective
Noblesville Police Department